



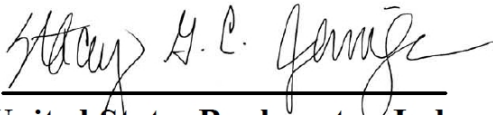
CLERK, U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS

**ENTERED**

THE DATE OF ENTRY IS ON  
THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed March 28, 2022

  
United States Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

In re:

HIGHLAND CAPITAL MANAGEMENT, L.P.,<sup>1</sup>

Reorganized Debtor.

HIGHLAND CAPITAL MANAGEMENT, L.P.,

Plaintiff,

vs.

HIGHLAND CAPITAL MANAGEMENT FUND  
ADVISORS, L.P.

Defendant.

§  
§ Chapter 11  
§  
§ Case No. 19-34054-sgj11  
§  
§  
§  
§ Adversary Proceeding No.  
§  
§ 21-03082-sgj  
§  
§  
§

**ORDER APPROVING AMENDED  
STIPULATION REGARDING SCHEDULING ORDER**

Upon consideration of the *Amended Stipulation Regarding Scheduling Order* [Docket No.

<sup>1</sup> The Reorganized Debtor's last four digits of its taxpayer identification number are (6725). The headquarters and service address for the above-captioned Reorganized Debtor is 100 Crescent Court, Suite 1850, Dallas, TX 75201.

15] (the “Amended Stipulation”)<sup>2</sup> entered into between Highland Capital Management, L.P., the reorganized debtor<sup>3</sup> (“Highland”) in the above-captioned chapter 11 case (“Bankruptcy Case”) and the plaintiff in the above-captioned adversary proceeding (the “Adversary Proceeding”), and Highland Capital Management Fund Advisors, L.P. (“HCMFA”, and together with Highland, the “Parties”), it is **HEREBY ORDERED THAT:**

1. The Amended Stipulation, a copy of which is attached hereto as **Exhibit A**, is **APPROVED**.
2. The Amended Stipulation shall become effective immediately upon entry of this Order.
3. With respect to the Adversary Proceeding, the Parties shall abide by the following amended pretrial schedule (the “Amended Pretrial Schedule”) in lieu of the pretrial schedule previously set forth in the Court’s *Order Approving Stipulation Regarding Scheduling Order* [Docket No. 9]:

<i><b>Amended Pretrial Schedule</b></i>	
<u>Event</u>	<u>Deadline</u>
1. Completion of Document Production	<b>March 28, 2022</b>
2. Completion of Fact Depositions	<b>April 25, 2022</b>
3. Expert Disclosures	<b>May 2, 2022</b>
4. Completion of Expert Depositions	<b>May 27, 2022</b>
5. Dispositive Motions	<b>May 27, 2022</b>

<sup>2</sup> Capitalized terms not otherwise defined in this Order shall have the meaning ascribed to them in the Stipulation.

<sup>3</sup> On February 22, 2021, the Bankruptcy Court entered the *Order (i) Confirming the Fifth Amended Plan of Reorganization (as Modified) and (ii) Granting Related Relief* [Bankr. Docket No. 1943] (the “Confirmation Order”) which confirmed the *Fifth Amended Plan of Reorganization of Highland Capital Management, L.P.*, as modified (the “Plan”). The Plan went Effective (as defined in the Plan) on August 11, 2021, and Highland is the Reorganized Debtor (as defined in the Plan) since the Effective Date. See *Notice of Occurrence of Effective Date of Confirmed Fifth Amended Plan of Reorganization of Highland Capital Management, L.P.* [Bankr. Docket No. 2700].

6. Exhibit and Witness Lists	<b>June 27, 2022</b>
7. Joint Pretrial Order	<b>July 1, 2022</b>
8. Proposed Findings of Fact and Conclusions of Law	<b>July 1, 2022</b>
9. Trial Docket Call	<b>July 11, 2022 at 1:30 p.m. (CT)</b>

4. The Amended Pretrial Schedule set forth in this Order shall only be modified in a writing signed by the Parties or upon the entry of an order of the Court entered upon notice to the Parties.

5. The Court shall retain jurisdiction over all disputes arising out of or otherwise concerning the interpretation and enforcement of this Order, subject to any objection to the Court's jurisdiction or core jurisdiction and subject to any motion for the withdrawal of the reference, with respect to which all parties reserve their rights, if any.

###End of Order###

## **EXHIBIT A**

**PACHULSKI STANG ZIEHL & JONES LLP**

Jeffrey N. Pomerantz (CA Bar No.143717)  
*(admitted pro hac vice)*  
 Ira D. Kharasch (CA Bar No. 109084)  
*(admitted pro hac vice)*  
 John A. Morris (NY Bar No. 2405397)  
*(admitted pro hac vice)*  
 Gregory V. Demo (NY Bar No. 5371992)  
*(admitted pro hac vice)*  
 Hayley R. Winograd (NY Bar No. 5612569)  
*(admitted pro hac vice)*  
 10100 Santa Monica Blvd., 13th Floor  
 Los Angeles, CA 90067  
 Telephone: (310) 277-6910  
 Facsimile: (310) 201-0760

**STINSON LLP**

Deborah Deitsch-Perez  
 State Bar No. 24036072  
 Michael P. Aigen  
 State Bar No. 24012196  
 3102 Oak Lawn Avenue, Suite 777 Dallas, Texas  
 75219  
 (214) 560-2201 telephone (214) 560-2203 facsimile  
*Counsel for Highland Capital Management Fund  
 Advisors, L.P.*

**HAYWARD PLLC**

Melissa S. Hayward  
 Texas Bar No. 24044908  
 MHayward@HaywardFirm.com  
 Zachery Z. Annable  
 Texas Bar No. 24053075  
 ZAnnable@HaywardFirm.com  
 10501 N. Central Expy, Ste. 106  
 Dallas, Texas 75231  
 Tel: (972) 755-7100  
 Fax: (972) 755-7110

*Counsel for Highland Capital Management, L.P.*

**IN THE UNITED STATES BANKRUPTCY COURT  
 FOR THE NORTHERN DISTRICT OF TEXAS  
 DALLAS DIVISION**

In re:	§	
	§	Chapter 11
HIGHLAND CAPITAL MANAGEMENT, L.P., <sup>1</sup>	§	
	§	Case No. 19-34054-sgj11
Reorganized Debtor.	§	
	§	
HIGHLAND CAPITAL MANAGEMENT, L.P.,	§	
	§	
Plaintiff,	§	
	§	Adversary Proceeding No.
vs.	§	
	§	21-03082-sgj
HIGHLAND CAPITAL MANAGEMENT FUND	§	
	§	
ADVISORS, L.P.	§	
	§	
Defendant.	§	

<sup>1</sup> The Reorganized Debtor's last four digits of its taxpayer identification number are (6725). The headquarters and service address for the above-captioned Reorganized Debtor is 100 Crescent Court, Suite 1850, Dallas, TX 75201.

**AMENDED STIPULATION REGARDING SCHEDULING ORDER**

This amended stipulation (the “Amended Stipulation”) is made and entered into by and between Highland Capital Management, L.P., as the reorganized debtor (“Highland” or “Plaintiff”), and Highland Capital Management Fund Advisors, L.P. (“HCMFA” or “Defendant”, and together with Highland, the “Parties”), by and through their respective undersigned counsel.

**RECITALS**

WHEREAS, on October 16, 2019 (the “Petition Date”), Highland filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”) in the Bankruptcy Court for the District of Delaware, Case No. 19-12239 (CSS) (the “Delaware Court”);

WHEREAS, on December 4, 2019, the Delaware Court entered an order transferring venue of Highland’s bankruptcy case (the “Bankruptcy Case”) to this Court;

WHEREAS, on January 22, 2021, Highland filed its *Fifth Amended Plan of Reorganization of Highland Capital Management, L.P. (as Modified)* [Bankr. Docket No. 1808] (the “Plan”);

WHEREAS, on February 22, 2021, the Bankruptcy Court entered the *Order Confirming the Fifth Amended Plan of Reorganization of Highland Capital Management, L.P. (as Modified) and (ii) Granting Related Relief* [Bankr. Docket No. 1943] (the “Confirmation Order”) which confirmed Highland’s Plan;

WHEREAS, on August 11, 2021, the Plan became Effective (as defined in the Plan), and Highland became the Reorganized Debtor (as defined in the Plan). *See Notice of Occurrence of Effective Date of Confirmed Fifth Amended Plan of Reorganization of Highland Capital Management, L.P.* [Bankr. Docket No. 2700];

WHEREAS, on November 9, 2021, Highland commenced the above-captioned adversary

proceeding (the “Adversary Proceeding”) against HCMFA by filing its complaint [Docket No. 1]<sup>2</sup> (the “Complaint”);

WHEREAS, on November 10, 2021, the Court issued its *Order Regarding Adversary Proceedings Trial Setting and Alternative Scheduling Order* [Docket No. 3] (the “Alternative Scheduling Order”);

WHEREAS, on December 10, 2021, HCMFA filed its answer to Highland’s Complaint [Docket No. 5] (the “Answer”);

WHEREAS, on December 10, 2021, the Parties filed the *Stipulation and Proposed Scheduling Order* [Docket No. 6] (the “Stipulation”);

WHEREAS, on December 17, 2021, the Court entered its *Order Approving Stipulation Regarding Scheduling Order* [Docket No. 9] (the “Order”);

WHEREAS, the Parties have conferred and desire to enter into a mutually agreeable proposed amended scheduling order (the “Proposed Amended Scheduling Order”), as specifically set forth below.

NOW, THEREFORE, it is hereby stipulated and agreed, and upon approval of this Stipulation by the Court, it shall be SO ORDERED:

<b><i>Proposed Joint Scheduling Order</i></b>	
<u>Event</u>	<u>Deadline</u>
1. Completion of Document Production	<b>March 28, 2022</b>
2. Completion of Fact Depositions	<b>April 25, 2022</b>
3. Expert Disclosures	<b>May 2, 2022</b>
4. Completion of Expert Depositions	<b>May 27, 2022</b>
5. Dispositive Motions	<b>May 27, 2022</b>
6. Exhibit and Witness Lists	<b>June 27, 2022</b>
7. Joint Pretrial Order	<b>July 1, 2022</b>

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<sup>2</sup> Refers to the docket maintained in the Adversary Proceeding.

8. Proposed Findings of Fact and Conclusions of Law	<b>July 1, 2022</b>
9. Trial Docket Call	<b>July 11, 2022 at 1:30 p.m. (CT)</b>

1. If approved by the Court, the Proposed Amended Scheduling Order shall only be modified in a writing signed by the Parties or upon the entry of an order of the Court entered upon notice to the Parties.

2. The Court shall retain jurisdiction over all disputes arising out of or otherwise concerning the interpretation and enforcement of this Amended Stipulation, subject to any objection to the Court's jurisdiction or core jurisdiction and subject to any motion for the withdrawal of the reference, with respect to which all parties reserve their rights, if any.

*[Remainder of Page Intentionally Blank]*



Dated: March 22, 2022.

**STINSON LLP**

/s/ Michael P. Aigen

Deborah Deutsch-Perez  
State Bar No. 24036072  
Michael P. Aigen  
State Bar No. 24012196  
3102 Oak Lawn Avenue, Suite 777  
Dallas, Texas 75219  
(214) 560-2201 telephone  
(214) 560-2203 facsimile

*Counsel for Highland Capital Management Fund  
Advisors, L.P.*

- and -

**PACHULSKI STANG ZIEHL & JONES LLP**

Jeffrey N. Pomerantz (CA Bar No. 143717)  
Ira D. Kharasch (CA Bar No. 109084)  
John A. Morris (NY Bar No. 266326)  
Gregory V. Demo (NY Bar No. 5371992)  
Hayley R. Winograd (NY Bar No. 5612569)  
10100 Santa Monica Blvd., 13th Floor  
Los Angeles, CA 90067  
Telephone: (310) 277-6910  
Facsimile: (310) 201-0760  
E-mail: jpomerantz@pszjlaw.com  
ikharasch@pszjlaw.com  
jmorris@pszjlaw.com  
gdemo@pszjlaw.com  
hwinograd@pszjlaw.com

- and -

**HAYWARD PLLC**

/s/ Zachery Z. Annable

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Melissa S. Hayward

Texas Bar No. 24044908

MHayward@HaywardFirm.com

Zachery Z. Annable

Texas Bar No. 24053075

ZAnnable@HaywardFirm.com

10501 N. Central Expy, Ste. 106

Dallas, Texas 75231

Telephone: (972) 755-7100

Facsimile: (972) 755-7110

*Counsel for Highland Capital Management, L.P.*

United States Bankruptcy Court  
Northern District of Texas

Highland Capital Management, L.P.,  
Plaintiff  
Highland Capital Management Fund Advisor,  
Defendant

Adv. Proc. No. 21-03082-sgj

## CERTIFICATE OF NOTICE

District/off: 0539-3

User: admin

Page 1 of 2

Date Rcvd: Mar 28, 2022

Form ID: pdf001

Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

**Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 30, 2022:**

NONE

**Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.**

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
ust	+ Email/Text: ustpreion06.da.ecf@usdoj.gov	Mar 28 2022 21:27:00	United States Trustee, 1100 Commerce Street, Room 976, Dallas, TX 75242-0996

TOTAL: 1

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

## NOTICE CERTIFICATION

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Mar 30, 2022

Signature: /s/Joseph Speetjens

## CM/ECF NOTICE OF ELECTRONIC FILING

**The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 28, 2022 at the address(es) listed below:**

Name	Email Address
Deborah Rose Deitsch-Perez	on behalf of Defendant Highland Capital Management Fund Advisors L.P. deborah.deitschperez@stinson.com, patricia.tomasky@stinson.com;kinga.mccoy@stinson.com
Melissa S. Hayward	on behalf of Plaintiff Highland Capital Management L.P. MHayward@HaywardFirm.com, mholmes@HaywardFirm.com
Michael P. Aigen	on behalf of Defendant Highland Capital Management Fund Advisors L.P. michael.aigen@stinson.com, stephanie.gratt@stinson.com
Zachery Z. Annable	on behalf of Plaintiff Highland Capital Management L.P. zannable@haywardfirm.com

District/off: 0539-3

User: admin

Page 2 of 2

Date Rcvd: Mar 28, 2022

Form ID: pdf001

Total Noticed: 1

TOTAL: 4